

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEEDLES FIELD OFFICE

ADMINISTRATIVE DETERMINATION
Wilderness Transitions Back Country Camping

In accordance with 16 United States Code 4601-6a, 670g-n, 1241-1249 and 1271-1287, and 43 U.S.C. 1201, 1181a and 1701 et seq., it is my decision to issue a Special Recreation Permit to Wilderness Transitions, Incorporated and approve the Proposed Action to conduct a back country camping event in designated wilderness, as reviewed in Environmental Assessment CA-069-EA7-05 and described below. Conditioned through mitigation measures, I find that this action will not result in significant impacts on the human environment and that an Environmental Impact Statement is not required. I further find this action is in conformance with applicable land use plans and that it will not cause unnecessary or undue degradation. Measures mitigating project impacts are formulated into Conditions of Approval incorporated by reference to this decision. A copy of this Decision Record and Conditions of Approval shall be in the possession of the permittee during all undertakings approved herein.

Specifically, the approved action consists of Wilderness Transitions, Inc. conducting a supervised solo camping and vision quest on public lands in designated wilderness during the period from December 27, 1998 to January 3, 1999.

Base Camp/Activities

A base camp will be located 150 yards south of the unmaintained dirt road which is a cherry-stem dividing the Kingston Range Wilderness four miles southwest of Excelsior Mine Road in T. 18 N., R. 11 E., in the NW 1/4 of the SE 1/4 of Section 5. The size of the base camp will be approximately 20' x 20'. Participants will occupy temporary camps in various locations during the course of the event.

Activities will include operating a base camp, field camps and solo hiking. The base camp will consist of a meeting/eating area and tent area. All solo hiking and camping will take place no more than two miles from the base camp. Participants will be hiking in all directions from the base camp. The maximum number of people to participate in this event will be ten with three support staff. Two four-wheel drive vehicles will be used. No off-road travel is authorized. The two vehicles will park by the side of the road within the allowed 30 feet from the middle of the road where vegetation is sparse. They will not block the road in any way. One or two campfires using a firepan will be used with wood brought in and ashes carried out.

Sanitation and Litter

Leave No Trace ethics will be used throughout the event including no-trace cooking, camping, and disposing of waste. Everything "packed in" will be "packed out" including toilet paper.

Activities

On December 27, 1998 through January 3, 1999, participants will venture in pairs to their individual solo sites. Halfway between the two sites they will arrange a meeting place or "stonepile." Stonepiles will consist of piling not more than ten rocks. Rocks will be scattered around the area upon the end of activities. Every day of the solo, one buddy will go to the

stonepile in the morning and will leave a token of well-being. In the afternoon, the other participant will go to the stonepile to see if their buddy was okay and will leave his/her token. Tokens will not be permanent and will be removed upon completion of the activities. Rock piles will be removed upon completion of activities. If a buddy had not been to the stonepile, a search will be initiated with staff. On the second day, some participants will carry water, gear, three meals, and a no-trace fire pan back to their solo sites. Each participant sleeps in their own tent dispersed near the base camp. Daily field activities are defined in the Appendix A attached herein.

Safety and Liability Insurance

The Wilderness Transitions, Inc. will stress safety issues and anticipated hazards prior to and during the event. Participants will be oriented on Leave No Trace and wilderness ethics, reading maps, and first aid. All staff members have taken Wilderness First Responder training. All vehicles are equipped with CB radios for emergencies. In the event of an emergency situation, a vehicle will be available to transport participants at all times during the day to Baker, California.

The proponent will obtain and submit a property damage, personal injury, and public liability insurance policy sufficient to protect the public and the United States. The policy will name the U.S. Government as co-insured and stipulate that the authorized officer of the Bureau of Land Management will be notified 30 days in advance of the termination or modification of the policy. The minimum amount of \$100,000.00 bodily injury for any one person; \$300,000.00 for any one occurrence; and \$10,000.00 property damage for any one occurrence. The proponent will indemnify the United States against any responsibility or liability for damage, injury, or loss to persons and property which may occur during the permitted use period or as a result of such use. The BLM will be protected in the liability insurance coverage provided by Wilderness Transitions, Inc.

A comparable proposed back country camping activity was addressed in Environmental Assessments CA-069-EA7-05, approved on December 19, 1996. These actions meet the following criteria for National Environmental Policy Act adequacy:

Essentially the same, clearly stated proposed action: The scope of the previous event has remained essentially the same for this year's event. The same number of support staff and people will be participating in the event and they will utilize the same base and solo camping areas.

Reasonable range of alternatives analyzed: An alternative to disallow the event was considered in the environmental assessment. However, this activity has resulted in no known adverse effects to the environment.

Same information and circumstances: The same information and circumstances pertain to the 1998 event as were addressed in the 1996 Environmental Assessment CA-069-EA7-05. The listing of the desert tortoise as a threatened species and designation of desert tortoise critical habitat and the listing of the endangered southwestern willow flycatcher, as they pertain to the proposed action, result in a "no effect" determination. Accordingly, no further consultation with the U.S. Fish and Wildlife Service is required. No other candidate, threatened or endangered species will be effected by the proposed action.

Same methodology/analytical approach: The same methodology and analytical approach was applied to the 1998 event.

Direct/indirect/cumulative impact not significantly changed: This annual event has consistently resulted in no known negative impacts to the environment. No changes in this finding are anticipated.

Public involvement appropriately covered and still relevant: Notification of a proposed action in lands under wilderness review were sent out to the public last year and this year. To date, no comments have been received. The public's involvement is still relevant, as the proposed action is essentially unchanged.

This decision constitutes the final decision by the Bureau of Land Management in this matter. This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in Title 43 Code of Federal Regulations (CFR) Part 4 and the enclosed Form 1842-1. If an appeal is taken, a notice of appeal must be filed in the Needles Field Office, Bureau of Land Management, U.S. Department of the Interior, 101 Spikes Road, P.O. Box 888, Needles, California 92363, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

Pursuant to 43 CFR 2804.1 this decision shall remain effective pending appeal unless the Secretary of the Interior rules otherwise. If the appellant wishes to file a petition pursuant to regulation 43 CFR 4.21 or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If a stay is requested, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

Recommended by:

/s/ Molly S. Brady
Field Manager, Needles Field Office

12/14/98
Date

Approved by:

/s/ Tim Salt
Acting District Manager, California Desert District

12/14/98
Date

CONDITIONS OF APPROVAL AND ADVISORY:

CONTROL NUMBER: CA-690-AD9-02 **PROJECT:** Wilderness Transitions Back Country
Camping

Conditions of Approval

1. The permittee shall advise participants of the following:

The desert tortoise was listed as an endangered species by the U.S. Fish and Wildlife Service through an emergency action in August, 1989, and is now listed as a threatened species effective April 2, 1990. It receives the same protection with its threatened status as it had as an endangered species. Handling or harassment of tortoises is prohibited as a result of its endangered/threatened status. Such activities not only jeopardize the tortoise's well-being, but can result in significant fines (\$50,000 and/or 6 months imprisonment).

2. To maintain the *Endangered Species Act* "no affect" situation for both the two listed species (i.e., the threatened desert tortoise and the endangered willow flycatcher), the following conditions must be adhered to:
 - a. Desert tortoises are NOT permitted to be handled.
 - b. All trash and food items shall be contained in raven proof containers and removed on a regular basis. All food items (including apple cores, banana peels, etc.) shall be disposed of properly.
3. The permittee shall accept full legal responsibility for the actions of the participants, and insure that all efforts will be taken to protect desert tortoises from harassment, handling, or other forms of taking, should they be observed.
4. The permittee shall apprise participants of the following statutory requirement:

Actions other than those explicitly approved by the Bureau of Land Management, which result in impacts upon cultural resources, shall be subject to the provisions of the *Archaeological Resources Protection Act of 1979* as amended and the *Federal Land Policy and Management Act of 1976*. These statutes protect cultural resources for the benefit of all Americans. No person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact or object of antiquity located on public lands.

In the event that cultural resources are uncovered during the course of action, the permittee will bring this to the attention of the Authorized Officer while maintaining the integrity of the cultural resource pending investigation by the Authorized Officer.

5. The permittee is responsible for restoring all sites to their original conditions upon termination of the recreation permit.
6. The permittee shall be responsible for the containment, collection and removal of all trash and food scraps from the areas. Nothing is to be buried on site.

7. The permittee is responsible for all safety requirements associated with the activities described in this permit. This responsibility requires constant event presence of a person trained in first aid and first aid equipment available which is adequate to handle expected injuries resulting from the permitted activities.
8. The painting of rocks or the establishment of permanent markers or improvements is prohibited.
9. The permittee shall designate a contact person(s) who will be responsible for compliance with permit stipulations. This contact person(s) must be available at all times, be locatable within the base camp, and be identifiable as the contact person.
10. A Special Recreation Permit (SRP) does not authorize the permittee to cross over or use any private land. The permittee is fully responsible for all trespass on and/or damages to private land which result from the permittee's activity.
11. There is to be no use of motor vehicles, mechanized transport, motorized equipment, or landing of aircraft within any wilderness area unless specifically authorized in writing by the Authorized Officer.
12. The permittee will be responsible for watching a copy of the National Outdoor Leadership School (**NOLS**) Video *Desert & Canyon Country Leave No Trace Outdoor Skills & Ethics* prior to using public lands under Wilderness status.
13. The permittee shall require each of their participants to become familiar with the following BLM provided wilderness informational materials:
 - ◆ Kingston Range Wilderness Area map; and
 - ◆ **NOLS** booklet, *DESERT AND CANYON COUNTRY* booklet on Leave No Trace skills.
14. The permittee is responsible for contacting BLM's Needles Staff to request loan of the video and the handouts they need to accomplish the above stipulations.
15. The permittee shall furnish a copy of these permit requirements to all participants and support staff.

Advisory:

1. Wild horses and burros are protected by Federal law. It is illegal to harass, capture, injure, or kill wild horses or burros.

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7.5' top

